



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MEMORANDUM

DATE: JUN 04 2009

TO: Bridget Dooling/Sharon Mar
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Tomakie Washington
Regulatory Information Management Services
U.S. Department of Education

FROM: Joseph C. Conaty
Delegated Authority to Perform the Functions and Duties of the
Assistant Secretary for Elementary and Secondary Education

SUBJECT: Emergency Clearance of Information Collection Requests for Impact Aid
Discretionary Construction Program – ARRA Stimulus Grant

The U.S. Department of Education's (ED) Office of Elementary and Secondary Education (OESE) has developed an application package for a new program, the Impact Aid Discretionary Construction Program – ARRA Stimulus Construction Grant (IAP ARRA Stimulus Construction Grant). The IAP ARRA Stimulus Construction grant program was established in the "American Recovery and Reinvestment Act of 2009," which was signed into law by the President on February 17, 2009. The IAP ARRA Stimulus Construction grant provides \$60 million for emergency repairs and modernization of school facilities to certain eligible local educational agencies (LEAs). The Department is requesting approval of the IAP ARRA Stimulus Construction grant program application so that LEAs may apply for these funds.

The Department is requesting that the Office of Management and Budget (OMB) clear the application on an emergency basis. There is a demonstrated need for school construction funds among the LEAs most heavily impacted by the federal presence. These LEAs are also facing declining local economies, tighter local budgets and restrictions on spending. Often the first area of rescission is seen in facilities maintenance. Research has demonstrated that healthy and safe learning environments are critical to the educational success of students. Therefore, it is extremely important that LEAs have access to these funds as soon as possible. Receiving OMB's approval on an emergency basis is essential to awarding the IAP ARRA stimulus construction funds quickly.

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Since the passage of ARRA, OESE staff has worked with the Office of the General Counsel to develop an application that meets the intent and purposes of the IAP ARRA stimulus construction program. Furthermore, using the regular clearance process would put ED well past the 120 day mark for awarding these funds as specified in the Act, which would clearly be in conflict with Congressional intent. The implication for not approving this emergency request would cause harm to the LEAs in need of these funds to improve school facilities and to the students they serve. In addition, the decision to deny this request would severely hamper ED's ability to award these grants in a timely manner.

It appears that the IAP ARRA stimulus construction program will be funded one time. Therefore, we expect that the emergency clearance of the application will be needed only for this year.

ED plans to award grants to applicants through a normal discretionary grant making process. If ED receives emergency approval from OMB, ED intends to make applications available to LEAs in July, with a deadline in early September. All funds will be awarded prior to November 30, 2009, which will allow recipients sufficient time to plan for the use of funds during the 2010 summer school construction season.

ED is requesting OMB approval by June 27, 2009.

Thank you for your prompt consideration of this request. If you have questions, please contact Kristen Walls-Rivas at (202) 260-1357 or kristen.walls-rivas@ed.gov.